

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

VINCENT BERTOLINO,

Plaintiff,

-v-

CITY OF NEW YORK, *et al.*,

Defendants.

No. 15-cv-7327 (RJS)
ORDER

RICHARD J. SULLIVAN, District Judge:

On March 24, 2016, the Court ordered that the initial conference in the above-captioned matter would take place on May 6, 2016 at 12:00 p.m. and would also function as a pre-motion conference to address Defendants' contemplated motion to dismiss. (Doc. No. 31.) Nevertheless, although Plaintiff's counsel appeared for the May 6 Conference, Defendants' counsel did not. The Court is in receipt of Defendants' counsel's letter apologizing to the Court and to Plaintiff's counsel, and acknowledging that she neglected to write the correct time for the conference in her calendar. (Doc. No. 34.)

The Court accepts Defendants' counsel's apology. However, having reviewed the parties' pre-motion letters, and in light of Defendants' counsel's absence, IT IS HEREBY ORDERED that Defendants' motion to dismiss is deemed made and denied. IT IS FURTHER ORDERED that the parties shall proceed with the discovery schedule as set forth in the Court's Proposed Case Management Plan and Scheduling Order. (Doc. No. 35.)

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DATE FILED: 5/9/16

IT IS FURTHER ORDERED that Defendants shall produce the contact information for the witness Moises Perez to Plaintiff.

SO ORDERED.

Dated: May 9, 2016
New York, New York



RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE